

REMARKS/ARGUMENTS

Claims 1-20 remain in the subject application. Claims 1, 14 and 17 are amended, as recited hereinabove.

Claims 1-13 and 17-19 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Vargo et al. (6,356,545) ("Vargo") in view of Bauer et al. (US Pub No. 2001/0008556 A1) ("Bauer"). Claims 1 and 17, as amended hereinabove, are believed to be patentable over Vargo in view of Bauer. It is therefore also believed that all claims depending therefrom are necessarily patentable over Vargo et al. Reconsideration and allowance of claims 1-13 and 17-19 is hereby respectfully requested.

On page 3 of the Office Action, it is stated that Vargo "discloses assuming the voice port begins with the commercially available This means that both parties must initially negotiated for using the same codec to understand one another." However, using a particular type of codec algorithm when transmission is begun is certainly not "initially mutually negotiating" as recited in claims 1 and 17. As stated in previously-submitted responses, Vargo does not negotiate a codec. The use of the TrueSpeech codec algorithm is not a negotiation. On page 3, it is further stated that mutual negotiation of the claimed invention is inherent in Vargo. Applicant respectfully takes issue with this statement because, inter alia, if Vargo taught negotiation, it would have discussed negotiation and it does not.

Moreover, neither Vargo nor Bauer disclose "negotiating to utilize a first type of codec by simultaneously sending each other the type of codec(s) that each supports and deciding to use a mutually-supported codec through the use of a predetermined protocol", as recited in the amended claims 1 and 17.

On pages 3 and 4 of the Office Action, it is stated that Bauer discloses that the "initiating device inserts a notification in a field of the packet header to inform the recipient device that subsequent packets will be encoded with a different specified algorithm, until further notice. In a further variation, the notification ... can be repeatedly included in the packet header at periodic intervals, or repeated a predetermined number of times in successive packets." However, this is not "the DSP module for renegotiating the use of a second type of codec", as recited in the claimed invention.

Accordingly, it is submitted that independent claims 1, and 17 are patentable over Vargo et al. Additionally, all claims depending therefrom are also necessarily patentable over Vargo et al. Reconsideration and allowance of claims 1-13 and 17-19 is hereby respectfully requested.

Claims 14-16 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (U.S. Patent No. 6,483,600) ("Schuster") in view of Blomfield-Brown (U.S. Patent No. 5,625,678) ("Blomfield"). Claim 14, as amended hereinabove, is believed to be patentable over Schuster in view of Blomfield. All claims depending from claim 14 are also believed patentable over Schuster in view of Blomfield. Neither Schuster nor Blomfield disclose "frequency adjustments are made to compensate for differences in frequency between the fax transmission and the telephone signal", as recited in the claimed invention.

Additionally, Schuster does not teach or disclose transmission of both voice and fax signals, as claimed in the amended claim 14. For example, Schuster does not teach "a DSP module for carrying a user-initiated telephone conversation ..." In fact, system 10 of Schuster is a "data network facsimile system" and no disclosure is found of the combination of voice and fax. Blomfield-Brown et al. discloses a method and system for allowing multiple application programs to communicate in the context of a switched voice and data communication (see Blomfield.: Abstract). This is not the teachings of the claimed invention as the latter is a "router device for use in a communication system ..."

The combination of Schuster et al. and Blomfield is objected thereto as there is no teaching, suggestion or hint of one by the other.

It is therefore believed that claim 14 is patentable over Schuster et al. in view of Blomfield. Claims 15 and 16 depend from claim 14 and claim 20 depends from claim 17, and such, are believed to be patentable. Reconsideration and allowance of claims 14-16 and claim 20 is hereby requested.


Reconsideration and allowance of claims 1-20 is hereby respectfully requested. Applicants submit that the subject application is now in condition for allowance and an early notice thereof is respectfully requested. Should any further amendment be required prior to passing the application to issue, the Examiner is respectfully invited to contact the

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undersigned by telephone at the number set out below.

Respectfully submitted,
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